

## ORAL ARGUMENT NOT YET SCHEDULED

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

WILDEARTH GUARDIANS, )  
Petitioners, )  
v. ) No. 14-1145  
UNITED STATES ENVIRONMENTAL )  
PROTECTION AGENCY, )  
Respondent. )  
\_\_\_\_\_  
)

**JOINT MOTION OF PETITIONERS AND RESPONDENT EPA TO  
ENTER PROPOSED BRIEFING SCHEDULE**

Petitioners WildEarth Guardians, et al. (“Petitioners”) and Respondent the United States Environmental Protection Agency (“EPA”), hereby respectfully request that the Court enter an order setting a briefing schedule as described in Paragraph 4 below. Movants state the following in support of this motion:

1. Petitioners in this case seek review of a final rule pursuant to the Clean Air Act that EPA published in the Federal Register on June 2, 2014, entitled “Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particulate Matter (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS) and 2006 PM<sub>2.5</sub> NAAQS,” 79 Fed. Reg. 31,566.

2. Both the San Joaquin Valley Unified Air Pollution Control District (“San Joaquin”) and the South Coast Air Quality Management District (SCAQMD) have moved to intervene in this case. See Doc. Nos. 1509988 and 1510001, respectively (both motions filed Aug. 29, 2014). Both motions were filed without opposition, and remain pending at this time.

3. EPA filed the certified index to the administrative record on September 11, 2014. Doc. No. 11511930. Both procedural and dispositive motions are due by September 18, 2014. See Orders dated Aug. 4 and Sept. 4, 2014. EPA does not anticipate filing a dispositive motion.

4. EPA has discussed proposed briefing dates with both the Petitioners and the proposed intervenors, and the Petitioners and EPA now jointly propose that the Court order the following dates for submission of briefs in this case, with all such briefs subject to the standard word limits and other requirements applicable thereto under the Federal Rules of Appellate Procedure and the Circuit Rules:

Petitioners’ Opening Brief	December 19, 2014
Respondent EPA’s Brief	March 4, 2015
Intervenors’ Briefs	March 25, 2015
Petitioners’ Reply	April 10, 2015
Joint Appendix	April 24, 2015
Final Briefs	May 8, 2015

5. Each of the proposed intervenors has confirmed through counsel its agreement that the Court should adopt the proposed briefing schedule described in Paragraph 4 above.

For the foregoing reasons, Petitioners and EPA respectfully request that the Court issue an order adopting the proposed briefing schedule described in Paragraph 4 above.

Respectfully submitted,

**For Petitioners:**

Dated: September 12, 2014      By: /s/ Paul R. Cort  
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Counsel for Petitioners

WildEarth Guardians,  
Medical Advocates for Healthy Air,  
Center for Biological Diversity,  
Physicians for Social Responsibility – Los Angeles,  
Citizens for Clean Air (a project of Alaska Community Action on Toxics),

and Sierra Club.

**For EPA:**

SAM HIRSCH  
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Dated: September 12, 2014

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Respondent EPA's Notice of Filing of Certified Index to the Administrative Record has been filed with the Clerk of the Court this 12th day of September 2014, using the appellate CM/ECF System. I further certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: September 12, 2014

/s/ Brian H. Lynk  
Brian H. Lynk